

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Michael Jay Berger (SBN 100291) Law Offices of Michael Jay Berger 9454 Wilshire Boulevard, 6th floor Beverly Hills, CA 90212 (310) 271-6223 Fax: (310) 271-9805 California State Bar Number: 100291 CA E-mail: Michael.Berger@bankruptcypower.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Mr. Tortilla, Inc.</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA</p>	
<p>In re:</p> <p style="text-align: center;">Mr. Tortilla, Inc.</p> <p style="text-align: center;">Debtor.</p>	<p>CASE NO.: 1:24-bk-10228-VK CHAPTER: 11</p> <p style="text-align: center;">APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE</p> <p style="text-align: center;">[LBR 9075-1(b)]</p>

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:
 - a. Title of motion: (1) Debtor's Motion For An Order Authorizing Debtor To Satisfy Pre-Petition Claims of Critical Vendor Amazon.com Services, LLC Necessary For Debtor's Continued Business Operation; Declaration of Anthony Alcazar In Support Thereof
 - b. Date of filing of motion: March 1, 2024
2. Compliance with LBR 9075-1(b)(2)(A): *(The following three sections must be completed)*
 - a. Briefly specify the relief requested in the motion:
Debtor requests an authorization to satisfy Amazon.com Services, LLC's ("Amazon" or the "Critical Vendor") pre-petition claims in order for the Debtor to be able to continue to transact business with Amazon without any interruption to its business. Debtor requests the hearing on shortened notice to avoid irreparable harm to the Debtor. Debtor produces and distributes tortilla products on Amazon.

b. Identify the parties affected by the relief requested in the motion:

Debtor, Amazon, and all other creditors.

c. State the reasons necessitating a hearing on shortened time:

The hearing is necessitated on shortened time because if the Debtor's ability to sell its products on Amazon and to transact business with Amazon is terminated or interrupted in any way, the Debtor's business will be paralyzed, which will cause great reduction in Debtor's revenue and hence, the inability of Debtor to propose a successful reorganization plan. The sales through Amazon's purchase orders and Amazon's online retail portals comprise roughly 62% of Debtor's total revenue. Amazon issues an order for Debtor's tortilla products every Sunday, which takes the Debtor approximately 5 days to fulfill. Without the continued revenue from Amazon, Debtor will not be able to afford the materials to fulfill the weekly Amazon orders, leading to negative reviews of Debtor's products and drastically reduced sales. This in turn would result in a huge loss of income for the Debtor, which Debtor needs in order to stay in business and generate income to fund its Plan of Reorganization.

Additionally, the nature of Debtor's business operation is critically dependent on maintaining a good relationship with Amazon and is extremely time sensitive. Amazon disburses funds to the Debtor on a bi-weekly basis. Due to the timing of the Debtor's bankruptcy filing, part of the Amazon Fees that Amazon normally automatically deducts from the funds before issuing payments to Debtor include charges that were incurred pre-petition. However, because of the pending bankruptcy, Amazon is not allowed to deduct and apply payments toward pre-petition incurred expenses. Absent this Court's order authorizing Amazon to deduct the Amazon Fees for the pre-petition period, it will need to administratively freeze sufficient funds in the Seller Account and retain a reserve to preserve its recoupment rights on the vendor payables, causing cash flow problems for the Debtor. Therefore, the Debtor requests that the hearing be set on shortened notice in order to allow the Debtor to continue to run its business without any hold on Debtor's amazon accounts.

3. Compliance with LBR 9075-1(b)(2)(B): The attached declaration of Anthony Alcazar justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.
4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory Form 9075-1.1.ORDER.SHORT.NOTICE

Date: **3/1/2024**

Law Offices of Michael Jay Berger

Printed name of law firm (if applicable)

Michael Jay Berger

Printed Name of individual Movant or attorney for Movant

/s/ Michael Jay Berger

Signature of individual Movant or attorney for Movant

DECLARATION OF ANTHONY ALCAZAR

I, Anthony Alcazar, declare and state as follows:

1. I am the President and Director of Mr. Tortilla, Inc., the Debtor and Debtor-in-Possession (the "Debtor"). I am over the age of 18. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could and would competently testify about what I have written in this declaration.

2. On March 1, 2024, Debtor filed a Motion for Order Authorizing Debtor to Satisfy Pre-Petition Claims of Critical Vendor Amazon.com Services, LLC Necessary for Debtor's Continued Business Operation; Declaration of Anthony Alcazar In Support Thereof ("Critical Vendor Motion").

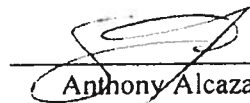
3. Debtor's Critical Vendor Motion requests authority to satisfy Amazon.com Services, LLC's ("Amazon" or the "Critical Vendor") pre-petition claims in order for the Debtor to be able to continue to transact business with Amazon without any interruption to its business. Debtor requests the hearing on shortened notice to avoid irreparable harm to Debtor. Debtor produces and distributes tortilla products on Amazon.

4. The parties affected by the relief requested in the Critical Vendor Motion are the Debtor, Amazon, and all other creditors.

5. The hearing is necessitated on shortened time because if the Debtor's ability to sell its products on Amazon and to transact business with Amazon is terminated or interrupted in any way, the Debtor's business will be paralyzed, which will cause great reduction in Debtor's revenue and hence, the inability of Debtor to propose a successful reorganization plan. The sales through Amazon's purchase orders and Amazon's online retail portals comprise roughly 62% of Debtor's total revenue. Amazon issues an order for Debtor's tortilla products every Sunday,

1 which takes the Debtor approximately 5 days to fulfill. Without the continued revenue from
2 Amazon, Debtor will not be able to afford the materials to fulfill the weekly Amazon orders,
3 leading to negative reviews of Debtor's products and drastically reduced sales. This in turn
4 would result in a huge loss of income for the Debtor, which Debtor needs in order to stay in
5 business and generate income to fund its Plan of Reorganization. Additionally, the nature of
6 Debtor's business operation is critically dependent on maintaining a good relationship with
7 Amazon and is extremely time sensitive. Amazon disburses funds to the Debtor on a bi-weekly
8 basis. Due to the timing of the Debtor's bankruptcy filing, part of the Amazon Fees that Amazon
9 normally automatically deducts from the funds before issuing payments to Debtor include
10 charges that were incurred pre-petition. However, because of the pending bankruptcy, Amazon
11 is not allowed to deduct and apply payments toward pre-petition incurred expenses. Absent this
12 Court's order authorizing Amazon to deduct the Amazon Fees for the pre-petition period, it will
13 need to administratively freeze sufficient funds in the Seller Account and retain a reserve to
14 preserve its recoupment rights on the vendor payables, causing cash flow problems for the
15 Debtor. Therefore, the Debtor requests that the hearing be set on shortened notice in order to
16 allow the Debtor to continue to run its business without any hold on Debtor's amazon accounts.
17
18
19

20 I declare under penalty of perjury that the foregoing is true and correct and that this
21 declaration is executed on March 1, 2024 at San Fernando, California.
22
23

24 
25 Anthony Alcazar
26
27
28

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
9454 Wilshire Boulevard, 6th floor
Beverly Hills, CA 90212

A true and correct copy of the foregoing document entitled (*specify*): Application for Order Setting Hearing on Shortened Notice will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 3/1/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Debtor's Proposed Counsel: Michael Jay Berger michael.berger@bankruptcypower.com,
yathida.nipha@bankruptcypower.com;michael.berger@ecf.inforuptcy.com
U.S. Trustee: Katherine Bunker kate.bunker@usdoj.gov
United States Trustee (SV) ustpregion16.wh.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 3/1/2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Chambers of the Honorable Victoria S. Kaufman
United States Bankruptcy Court
21041 Burbank Blvd., Suite 354
Woodland Hills, CA 91367

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

3/1/2024
Date

Yathida Nipha
Printed Name

/s Yathida Nipha
Signature

3. Served by Email:

U.S. Trustee:
Katherine Bunker
kate.bunker@usdoj.gov

SECURED CREDITORS:

8FIG Advance
Attn: Legal Dept.
legal@8fig.com

Amazon Capital Services:
Attn: Lauren Dorsett & Michael Gearin
laurendorsett@dwt.com
mike.gearin@klgates.com

Blue Bridge Financial
Attn: Amy Joy
ajoy@bluebridgefinancial.com
Legal@bluebridgefinancial.com

Bluevine
Attn: Officer
Support@bluevine.com

Cedar Advance
Attn: Simon Cedar
simon@cedaradvance.com

Corporation Service Company
SPRFiling@cscglobal.com; UCCSPREP@cscglobal.com

CT Corporation
uccfilingreturn@wolterskluwer.com

Fasanara Securitisation S.A. Acting
info@northdata.com

Financial Pacific Leasing
Attn: Allison Sweet
ASweet@FinPac.com

First Corporate Resolution
SPRS@FICOSO.COM

Huntington Valley Bank
Attn: Erin
erin@braavobank.com

Mercury Capital
info@mcadv.com

Metropolitan Capital Bank & Trust
Attn: Jeffrey Brown
rrabin@thompsoncoburn.com ; jbrown@thompsoncoburn.com

Parkside Funding Group LLC
Attn: Adriana Harris
Adriana@nomasrecovery.com

Partners Personnel Management Services, LLC
Attn: Cherly Canty
CCanty@espererholdings.com

Robert Reiser and Company
uccfilingreturn@wolterskluwer.com

Sand Park Capital
Attn: Simon Cedar
simon@cedaradvance.com

Sellers Funding
Attn: Officer
osaro@sellersfi.com; legal@sellersfi.com

Shopify Capital
Legal@bluebridgefinancial.com

Slope Advance
Attn: Ashish Jain
ashish@slope.com

Spartan Capital
Attn: Jason Gang
jason@jasongang.com

Stor RB One Limited
uccfilingreturn@wolterskluwer.com

U.S. Business Administration
Attn: Elan Levey
elan.levey@usdoj.gov

20 LARGEST UNSECURED CREDITORS

Easy Post
Attn: Dustin Henrie
dhenrie@easypost.com

Facebook

Attn: Anthony Miller

Anthony.Miller@radiusgs.com

Fleetcor Technologies Inc.

Attn: Officer

PartnerServices@FleetCor.com; jowilliams@williamsandwilliams.com

Greenberg Traurig

Attn: Reid Hockaday

hockadayr@gtlaw.com

IRS

Attn: Officer

Irs.gov.website.helpdesk@speedymail.com; robert.l.textor@irs.gov

Lyneer Staffing

Attn: Billing Dept.

billing@lyneer.com

Parker Group Inc.

Attn: Larry Nessenson, Esq.

lnessenson@jaffeandasher.com

Ramp

Attn: Officer

communications@ramp.com; support@ramp.com

Jeeves

alexg@tryjeeves.com; lucio@tryjeeves.com

Southern California Edison

Anthony Tarantino

Anthony.Tarantino@scc.com

UPS

Attn: Mary Kay

MaryKay.Pallas@iqor.com

We Pack it All

jesse.fonseca@wepackitall.com

Rapid Fulfillment LLC

Attn: Adam Brumage

ABrumage@collectmoore.com

Frisbi
billing@frisbi.com

Taboola
Attn: Fred Sampliner
{fsampliner@sampliner.com"} nminassian@hatkofflaw.com

MNTN
legal@mountain.com

Perpetua
billing@perpetua.io

Uline
accounts.receivable@uline.com

Bakers Authority
yonibakersauthority.com

Attentive Mobile
GMCCREADIE@nixonpeabody.com

SoCal Gas
customerservice@socalgas.com

Republic Services
ccet@republicservices.com

ADDITIONAL CREDITORS:

ArcBest, Inc.
dlott@arch.com

Old Dominion Freight Line, Inc.
Attn: Rusty Frazier
Rusty.frazier@odfl.com

TikTok Inc.
Attn: Emely Andino
usbilling@bytedance.com

Pawnee Leasing Corp.
Bankruptcy@pawneeleasing.com